

SENATE JOURNAL

Forty-fifth Legislature—First Called Session.

FIRST DAY

(Thursday, May 27, 1937)

In obedience to the proclamation of His Excellency, James V. Allred, Governor of the State, the Senate of Texas met in the Senate Chamber at 12:00 o'clock meridian on this the 27th day of May, 1937.

Hon. Walter F. Woodul, Lieutenant Governor of Texas and President of the Senate, called the Senate to order.

Temporary Officers

The President announced the appointment of the following temporary officers of the Senate:

Secretary of the Senate, Bob Barker.
Sergeant-at-Arms, A. W. Holt.
Journal Clerk, Noel K. Brown.
Doorkeeper, Joel Gunn.
Calendar Clerk, Martha E. Turner.
Chaplain, Father Theodore Drees.

Roll Call

The President directed the Secretary of the Senate to call the roll.

The roll of the Senate was called, and the following Senators were present:

Aikin	Pace
Brownlee	Rawlings
Burns	Redditt
Collie	Shivers
Cotten	Small
Davis	Stone
Holbrook	Sulak
Isbell	Van Zandt
Lemens	Weinert
Nelson	Westerfeld
Newton	Woodruff
Oneal	

The following Senators were absent and excused:

Beck	Neal
Head	Roberts
Hill	Spears
Moore	Winfield

A quorum was announced present.

The invocation was offered by Father Theodore Drees, Temporary Chaplain.

Leaves of Absent Granted

Senators Beck, Head, Hill, Moore, Neal, Roberts, Spears and Winfield were granted leaves of absence for today, on account of important business, on motion of Senator Burns.

Proclamation by the Governor

The President laid before the Senate, and had read, the following proclamation by the Governor:

To All to Whom These Presents Shall Come:

At the Regular Session of the Legislature in 1933 an amendment was tied on the the general appropriation bill in free conference purporting to legalize so-called pari-mutuel betting at race tracks, in such form as to compel members to vote against the entire appropriation bill, or, by voting for it, to accept legalization of racetrack gambling.

Thereafter at the First Called Session of the Forty-third Legislature a separate Act was passed creating the Texas Racing Commission and legalizing so-called pari-mutuel betting at race tracks.

In the gubernatorial campaigns of 1934 and 1936 the repeal of the race track gambling law was a clear-cut issue. The people by their ballots asked for the repeal of this law; and subsequently at the Democratic State Conventions in both 1934 and 1936 a positive demand was made that race track gambling be outlawed in Texas.

Notwithstanding these platform demands, the Forty-fourth Legislature two years ago failed to even get the bill up for a vote on the floor of either House. This year in the Forty-fifth Legislature the matter was submitted as emergency and the House of Representatives promptly passed the bill on February 15th by an overwhelming majority of 109-26. The bill went to the Senate, and, notwithstanding that upon various test

votes a clear majority have voted upon the side of repeal, it has never come up for hearing due to the rules requiring a two-thirds vote to set such bill for special order.

The Forty-fifth Legislature today closes its regular session. In my opinion the bill to outlaw gambling at the race tracks has been used as a stalking-horse to prevent other bills from being reached on the Senate calendar. Under all the circumstances I deem it to be to the moral and economic interests of this State that the will of the people be carried out by the repeal of the race track gambling law.

Therefore, I, James V. Allred, Governor of the State of Texas, by virtue of the authority vested in me by the Constitution and laws of this State, hereby call the first extraordinary session of the Forty-fifth Legislature, to be convened in the City of Austin commencing at 12:00 o'clock noon on Thursday, the 27th day of May A. D. 1937, for the following purpose.

To outlaw and prohibit the so-called pari-mutuel betting or gaming on horse races, at race tracks, legalized by the Acts of the Forty-third Legislature in 1933.

In Testimony Whereof, I have hereunto signed my name officially, and caused the Seal of State to be impressed hereon at Austin this the 22nd day of May, 1937.

(Seal) JAMES V. ALLRED,
Governor of Texas.

By the Governor:

Edward Clark,
Secretary of State.

Caucus Report

Senator Holbrook submitted the following report:

Senate Chamber,

Austin, Texas, May 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: At a caucus held in the office of the Senate, attended by twenty-one members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the ensuing First Called Session of the Forty-fifth Legislature, and at salaries set opposite their names:

Secretary of the Senate, Bob Barker, \$10.00 per day.

Sergeant-at-Arms, A. W. Holt, \$7.50 per day.

Assistant Sergeant-at-Arms, R. H. (Bob) Warren, \$5.00 per day.

Doorkeeper, Joel Gunn, \$5.00 per day.

Assistant Doorkeeper, Ed Wilson, \$5.00 per day.

Chaplain, Theodore Drees, \$5.00 per day.

Journal Clerk, Noel K. Brown, \$7.50 per day.

Assistant Journal Clerk, Mary M. Keeble, \$5.00 per day.

Calendar Clerk, Martha Turner, \$7.50 per day.

Assistant Calendar Clerk, Frank Conley, \$5.00 per day.

Enrolling and Engrossing Clerk, Essie McGinnis, \$7.50 per day.

Assistant Enrolling and Engrossing Clerk, Florence Butts, \$7.50 per day.

Postmaster, Lola Lawrence, \$5.00 per day.

Mailing Clerk, Ann Polglass, \$5.00 per day.

Librarian, Theodosia Bell, \$5.00 per day.

Warrant Clerk, Helen Avery, \$5.00 per day.

Parliamentarian, Ben Smith, \$5.00 per day.

Chief P. B. X. Operator, Ruth Phillips, \$5.00 per day.

Assistant P. B. X. Operator, Mildred Pressley, \$5.00 per day.

It is recommended that each Senator, Lieutenant Governor and the Secretary of the Senate, be permitted to name one secretary, who shall act as clerk of the committee of which the Senator naming such employees is the chairman, such employee to receive \$5.00 per day, except the private secretary of the Lieutenant Governor shall receive \$7.50 per day.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate be permitted to name two employees of the Senate in addition to their private secretary, that the name of such employees be referred to an assignment committee hereinafter named, said committee to be authorized to select from said employees all employees in the Engrossing and Enrolling room and other depart-

ments of the Senate to assign said employment, said employees so named by the Senators, the Lieutenant Governor and the Secretary of the Senate to receive the sum of \$5.00 per day.

The Lieutenant Governor is hereby named as assignment committee, for the purpose of assigning employees as herein authorized.

It is further recommended that the several appointments of employees heretofore made by the Lieutenant Governor and announced in the Senate and considered by the caucus are confirmed.

The salaries of the day and night elevator operators shall be \$4.00 per day each, and the salaries of the porters shall be \$2.50 per day each, except the head porter whose salary shall be \$4.00 per day and the porter carrying the mail shall receive \$3.50 per day, and the salaries of the pages shall be \$2.50 per day and the salaries of the messengers shall be \$3.00 per day.

It is further recommended that the Lieutenant Governor be authorized to select not exceeding ten additional employees at \$5.00 per day to be assigned by him when and where needed.

The Lieutenant Governor is requested to recommend that the Southwestern Telephone Company employ Miss Mary Jacobs to attend the duties of telephone operator of the Senate, and a night operator to be named by the assignment committee, out of the employees whose names are filed with said committee.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use all Assistants Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information pertaining to the Senate and they shall not receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, some Senator, Secretary of the Senate, or committee, shall report for duty at eight o'clock a. m. and one o'clock p. m., reporting to the Sergeant-at-Arms of the Senate, and none of such employees shall be paid for days they are absent from the Senate.

It is further recommended that no person be employed by the Senate or under its direction, except private secretaries, who may be related within the second degree by affinity or within the third degree by consanguinity to any member of the Legislature or to any other person employed by or holding office under either the State of Texas, or the United States of America, or political subdivision of this State, or by any public supported institution. (See Art. 432, Penal Code.)

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges, such as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that 2600 Journals be printed; that same be prorated among the Senators and Lieutenant Governor, except that 150 Journals shall be furnished the Members of the House.

It is further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, the contract to be approved by the assignment committee.

It is further recommended that the Senate request the State Comptroller of Public Accounts to issue general revenue warrants for the pay of the members and employees of the Senate upon presentation of the pay roll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that each Senator, the Lieutenant Governor and the Secretary of the Senate, and Librarian be permitted to subscribe for three newspapers to be paid for out of the contingent fund.

It is further recommended that the President of the Senate have exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, and porters as in his judgment may be necessary.

It is further recommended that in the appointment of pages and messengers, that those appointed at the beginning of the session shall serve for a term to be determined by the Lieutenant Governor.

It is further recommended that the Chairman of the Finance Committee shall have authority to employ such additional employees of his own selection who shall receive compensation in accordance with the compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee.

It is further recommended that the private rooms allotted to the Senators by the method as adopted by the caucus be assigned to the Senators and their successors unless otherwise directed by the Senate.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the name of his private secretary selected; that he also file with the Chairman of the committee aforesaid the name of the employees selected, together with his or her postoffice address and a suggestion as to the special qualification of said employee.

It is further recommended that Rev. W. H. Doss be elected Chaplain Emeritus without compensation.

Be it further resolved that no employee of the Senate except those whose official duties require them to work upon the floor of the Senate shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate, to come on the floor for some official duty which when performed they will immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

HOLBROOK, Chairman.

On motion of Senator Holbrook, a full reading of the report was dispensed with, and it was adopted as a resolution of the Senate.

Record of Votes

Senators Holbrook and Collie asked to be recorded as voting "nay" on the adoption of the report.

Oaths of Office Administered

The President administered the constitutional oath of office to all officers of the Senate named in the caucus report.

Election of President Pro Tempore

The President announced that the next business in order is the election of President Pro Tempore.

Senator Pace nominated Hon. Olan R. Van Zandt of Grayson County.

On motion of Senator Woodruff, it was ordered that no further nominations be made.

The President appointed Senators Stone, Aikin and Collie to take up and count the ballots.

Hon. Olan R. Van Zandt received twenty-two votes, and he was declared by the President unanimously elected President Pro Tempore.

The President appointed Senators Pace, Cotten and Sulak to escort Hon. Olan R. Van Zandt to the President's stand.

Hon. Olan R. Van Zandt then took the constitutional oath of office, which was administered to him by the President.

The President presented President Pro Tempore Olan R. Van Zandt, who addressed the Senate briefly and thanked the Senators for the honor conferred upon him.

Committees to Notify the Governor and House

On motion of Senator Brownlee, it was ordered that a committee be appointed to notify the Governor that the Senate is now organized and ready for the transaction of business and that a committee also be appointed to notify the House that the Senate is organized and ready for the transaction of business.

The motion prevailed.

Accordingly, the President appointed the following committees:

To notify the Governor: Senators Westerfeld, Oneal and Nelson.

To notify the House: Senators Brownlee, Lemens, Aikin and Burns.

Senate Concurrent Resolution No. 1

Senator Redditt offered the following resolution:

Be it resolved by the Senate, the House of Representatives concurring, That the House and Senate go into joint session at 12:45 o'clock p. m., May 27, 1937, for the purpose of hearing the Governor's message to the First Called Session of the Forty-fifth Legislature.

The resolution was read and was adopted.

Governor and House Notified

The committees appointed to notify the Governor and to notify the House that the Senate is organized and ready for the transaction of business, reported severally that they had performed the duties respectively assigned to them.

On motion of Senator Collie, the committee appointed to notify the House was discharged, and on motion of Senator Newton, the committee to notify the Governor was discharged.

Senate Notified

A committee of five Members of the House appeared at the bar of the Senate, and being duly announced, notified the Senate that the House is organized and ready for the transaction of business.

Message From the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 27, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 1, Providing for a joint session of the House of Representatives and the State Senate, at 12:45 o'clock p. m., May 27, 1937, for the purpose of hearing the Gov-

ernor's message to the First Called Session of the Forty-fifth Legislature.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Joint Session

The President announced that the hour fixed by S. C. R. No. 1 for a joint session of the Senate and the House of Representatives, for the purpose of hearing a message by the Governor, had arrived, and he requested all Senators present to proceed in a body to the Hall of the House of Representatives.

The Honorable Senators, accompanied by the Secretary of the Senate and the Sergeant-at-Arms of the Senate, were announced at the entrance of Representative Hall, and were admitted duly and escorted to seats already prepared for them in the Hall.

The President of the Senate, by invitation of the Speaker of the House, occupied a seat on the Speaker's stand.

Hon. Robert W. Calvert, Speaker of the House of Representatives, called the House to order.

Hon. Walter F. Woodul, President of the Senate, called the Senate to order.

Hon. James V. Allred, Governor of Texas, was announced at the bar of the House, and was escorted to the Speaker's stand by Senators Oneal, Lemens and Westerfeld, on the part of the Senate, and Messrs. Bradbury and Brown on the part of the House.

The Speaker of the House then presented Governor James V. Allred, who read to the joint session the following message:

Austin, Texas, May 27, 1937.

To the Members of the Forty-fifth Legislature (First Called Session):

I regret that the State has been put to the expense of this special session; but in simple honor and in justice to my conscience, I could not do otherwise. In a special message to this Legislature a month before adjournment, I appealed to the Members of the Senate to help me save the cost of a special session by giv-

ing a simple, clear-cut vote on repeal of the race track gambling law. This a minority refused to permit, and I had no option other than to call this extraordinary session.

As I see it, outlawry of the gambling evil presents not only a great moral and economic need, but, in view of the peculiar, the devious course of legislative history which has marked legalization of race track gambling and all efforts to repeal this law, an even greater principle is at stake—the integrity of and respect for government itself.

In early Biblical history landmarks were of utmost importance; and their removal a subject of constant concern to the people. Various of the old teachers repeatedly cautioned against their removal. Solomon, perhaps the wisest of all counselors, in his pronouncements of moral virtues and their contrary vices twice admonished that we "remove not the ancient landmark."

Here in Texas we have our own landmarks—foundations laid by our forebears in the slow but sure progress of government; foundations upon which the welfare of the people has come to depend; foundations which should not lightly be removed.

One of these foundations—a moral one—was established under the leadership of the great Governor Tom Campbell by the Thirty-first Legislature in 1909. Serving as members of that illustrious body we find the names of such outstanding Texans as A. T. McKinney, Sr., of Huntsville, a member of the Constitutional Convention of 1876; Judge C. M. Cureton, now Chief Justice of the Supreme Court of Texas; Judge S. H. German, of Livingston, now a member of the Commission of Appeals of the Supreme Court; Hon. Sam Rayburn, of Fannin County, now Democratic leader in the National Congress; the great Clarence E. Gilmore, of Van Zandt County; Judge Ben Cathey, of Quitman, a member of the present Legislature; Judge M. S. Munson, of Angleton; Judge W. C. Davis, of Bryan; Judge C. H. Jenkins, of Brownwood; Senator J. J. Strickland, of Palestine; Judge N. L. Dalby, of Bowie County; Hon. George B. Terrell, of Cherokee County; Judge Luther Nichols, then of Hillsboro; Judge B. F. Vaughan, of Hunt County; Senator R. E. Cofer, of

Travis County; Senator Tom W. Parkins, of Collin County; Senator Charles L. Brachfield, of Rusk County; Senator Pierce B. Ward, of Johnson County; Senator McDonald Meachum, of Anderson County; Senator Earle B. Mayfield, of Bosque County, and many others.

This Legislature served with Governor Campbell in his second administration. During Governor Campbell's first term a gambling statute had been passed. Serious opposition based upon this and other constructive measures arose. It all became and was a burning issue in the campaign of 1908. The people spoke at the polls and the Democratic Convention, which drafted the platform, rejoiced "at the emphatic endorsement given said laws and administration by the Democratic voters of Texas in the recent primary election."

History seemingly repeats itself. Two bills were introduced at that immortal session. One, strange as it may seem, proposed to set up a Racing Commission and legalize practically the same practices now being carried on under the so-called pari-mutuel betting law. Another, by Hon. James H. Robertson, of Travis County, struck severely at the gambling evil and specifically prohibited race track gambling.

In his initial message to the Legislature Governor Campbell said (and it is applicable here today)—in part:

"You need make no serious mistakes **AS THE WILL OF THE PEOPLE HAS BEEN ASCERTAINED UPON ALL IMPORTANT MATTERS** Organized avarice, though in attempted disguise, can hardly be expected to override the **PEOPLE'S WILL**. Selfish interests and those seeking special advantages and exclusive privileges will have their ready advocates on every hand, and wholesome legislation heretofore enacted for the protection of the people will doubtless be assailed. A word of caution is therefore offered to the end that the chosen representative of a confiding constituency may be on his guard. It is not unlikely that designing forces have organized, and will be maintained at the Capitol, which will test the wisdom, integrity and patriotism of this Legislature"

How history does repeat itself!!! We need only to review that which

has been attempted during the Regular Session of this Legislature, and the frustration of the people's will during the Forty-fourth Legislature, to find that the same forces still seek to operate under the Capitol dome.

The bill to create a Racing Commission and legalize race track gambling in Texas was killed in committee in 1909.

On the other hand out of the same committee a bill emerged to outlaw gambling in almost every form then known. They expressly voted down amendments to create a State Racing Commission like we have now; and to permit local option! Thus did the Members of the Thirty-first Legislature write their names in history by setting up this "landmark" of the people.

It remained undisturbed for almost thirty years!

During the closing hours of the Forty-third Legislature, after the same proposal had been beaten on the floor of the House of Representatives, without the matter having been made an issue in any legislative or gubernatorial campaign, a rider was tied on to the general appropriation bill setting up a Texan Racing Commission and legalizing race track gambling. Only a short time before the Court of Criminal Appeals had held in a test case that the so-called pari-mutuel system of betting violated the laws of Texas. When the free conference appropriation bill, with the race track gambling rider attached, was presented to the Legislature, members were confronted with the proposition that they either had to vote against all of the appropriation bill or, voting for it, accept race track gambling. At least, this was the argument or excuse employed; and thus lightly, yet perhaps designedly, did Texas legislators wipe out a great moral "landmark" of the fathers and bring back to Texas race track gambling evils grown a thousand fold more undesirable in the period that had ensued.

It is true that in a subsequent special session of the same Legislature a corrected bill was passed, but it was with the explanation that it was merely to clear up the legal question involved—a ready excuse or alibi to the voters.

Mind you, this was done without the issue having been submitted to

the people by any candidate for Governor or the Legislature. The first time the people spoke was in the gubernatorial primaries of 1934 when the demand for repeal was openly and clearly made by the successful candidate for Governor. That demand was then incorporated in the Democratic platform. It was recommended to the Forty-fourth Legislature, but the repeal bill was not even permitted to come up for a vote on the floor of either House. Again the people spoke in the primaries of 1936! Again the demand was placed in the Democratic platform! Again that particular plank in the platform was submitted to the Legislature!

Within one month after this Legislature convened, the House of Representatives suspended all rules and passed the bill by the overwhelming vote of 109-26. It went to the Senate. Early efforts to get it out of committee were fruitless. So much so that on March 4th, when House Bill No. 167 was pending before the Senate, an amendment was offered and adopted to make gambling at race tracks unlawful. Every dilatory motion, every effort at delay, even proposed local option, was voted down by the Senate on that occasion; and the amended bill passed to engrossment by a vote of 20-8. At that time two members of the Senate who had committed for repeal and one who was against repeal were absent.

Six days later by a vote of 15-14 the bill was sent back to the committee. At that time the race track people said that all they wanted was an opportunity to be heard. That hearing was held. Not a single member of the committee who had voted or committed for repeal changed his vote in committee. On the contrary, each member of the Senate committee who had voted or committed for repeal promptly voted to recommend to the Senate that the bill pass.

The practical effect, however, was to kill the repeal bill for the regular session. When it was sent back to the committee on March 10th it occupied a favored and advantageous position on the calendar; to such an extent that it could not have been kept from coming up. After it had gone to the committee for the hearing, other bills had meantime secured preference on the Senate calendar; and these, as is well known,

were used as filibuster vehicles to keep from reading the race track repeal bill. How disgustingly successful these efforts have been is a story well known to the citizenship of Texas.

And now, my friends of the Forty-fifth Legislature, here we are in extraordinary session with the matter squarely submitted for action. I beseech each Member to work and vote for the passage of this law. To those who cannot agree with me upon the wisdom of its passage, I earnestly urge that no effort be made to keep the bill from coming to a final, fair and clear-cut vote.

It is a matter of common knowledge that rules have been invoked simply for the purpose of preventing a vote on this measure or for holding it until some propitious time when perhaps Members who favor repeal might be absent and the bill could be defeated. I make you the proposition that rules are designed to expedite, not to hinder, the transaction of legislative business. They should breathe life into a legislative body, give it power and make it a living vehicle for carrying out the people's will, rather than choke and render lifeless this arm of the people's government.

I do not know how to state in words a stronger case for repeal of the race track gambling law than I have already given to this Legislature from time to time. I have quoted Washington, Franklin, Blackstone, Shakespeare, Brisbane, McIntyre and the Holy Bible. I have pointed out the living evidence of undesirables, of doping, of thuggery, of embezzlements, of bank failures, of suicides, and narcotic rings. Each month of the life of this law sees additions to the numbers of these human tragedies.

Not having appeared before any of the committees, let me briefly refer to some of the arguments that have been made against repeal and present the other side.

First:

It is urged that this law ought not to be repealed because it is an attempt to legislate morals; and it has been said you cannot do this; that you cannot save people from themselves.

No one has ever asserted that

morality can be legislated into a people. The same argument could just as well be used against all our vice laws; but it is no argument against such laws. We are dedicated as a State to legislation seeking to remove so much as possible the opportunity for unbridled indulgences in vice. Repeal of the race track gambling law will remove the temptation, the opportunity and, to some extent, the inclination to gamble.

It is undisputed that practically all the bookie shops in Texas have come to flourish since passage of the race track gambling law. There has been an almost complete breakdown in enforcement of all other gambling laws. Officers can hardly enforce the law against gambling in one place when all a defense lawyer has to do is to remind an average jury that the State is in the most inconsistent moral attitude possible when it says by law that it is all right to gamble in a privileged place but all wrong to gamble in another.

Second:

This gambling law ought not to be repealed, they say, because of the revenues accruing to the State.

We ought to be ashamed of an argument so weak, so shallow! If we are to accept tribute from an evil which all concede is bad, then let us legalize all forms of vice. Texas doesn't need gambling revenues! Everyone ultimately realizes that the honest man can't beat the gambler. The State can't beat them either; and we ought not to set up a "skin game" for a part of the "take"!

Third:

Don't repeal this law, they urge, because millions of dollars have been invested in race tracks.

Were not these investments made with full notice of the temper of the people of Texas? Have they not been continued with full notice of the gambling issue and demands in our Democratic platform?

But that's not all! The amount of these investments has been grossly misrepresented to this Legislature. The whole theory was completely exploded by Senator Nelson before the Senate committee when he read the pitiful, woefully small renditions of these properties for taxation—some

of them not rendering any property for taxation whatever.

Fourth:

Some of those who oppose repeal say, "We are not all bad. Maybe some are, but not all of us who believe in race track gambling are. We love good horses; and this law has made it possible for us to raise more horses!"

The report of the Federal narcotic authorities sent to the Legislature weeks ago discloses the most sordid story of abuses of horses the human mind can conceive. How any lover of good horses can espouse the continuation of a law which makes it possible for narcotic traffickers to find a ready market for their wares by providing means for driving dumb animals insane is beyond me. There is no record of a horse ever being doped except to run a race! All the races ever run are not worth the agony and cruelty dealt even one of these poor helpless beasts! I appeal to all who love good horses, I appeal to all who believe in preventing cruelty to animals, to join with me in demanding that this law be repealed.

The narcotic traffic has been intensified, it has increased, not only among animals but among men down here in Texas. Indisputably it centers and has its headquarters around the race track. Let's get rid of them! We can't ever hope to completely wipe out moral and social wrongs; but we CAN reduce, we CAN minimize these evils.

Fifth:

But, they say, only a few preachers want this law repealed.

This is not true! Most of the substantial citizens of Texas want it repealed. Most of the church people want it repealed. Most of the business forces want it repealed.

But even if it were true that only a few preachers are leading the fight, I think we should line up on their side! After all, most of us heed too little the advice of our preachers. I know very few of them who are ever wrong on a moral question. I know very few of us but would be better men if we lived according to their precepts.

This belittling of the ministry is, in my opinion, the unfairest of tac-

tics that can be adopted. After all, it is conceded that while there may be an honest dispute as to whether an economic and governmental question is involved in race track repeal, it is unquestionably one of the greatest moral problems ever before the people. Since it is, let us accept the moral leadership of our ministers. Let us go along with the few who have heeded the call to preach the Gospel to every creature.

Sixth:

A compromise proposal for so-called local option is suggested.

This was also voted down by the patriotic Members of the Thirty-first Legislature in 1909. It was likewise voted down by the Texas Senate on March 4th of this year by a vote of 19-8. Thus we see the issue has already been passed upon.

The Members of the Thirty-first Legislature and the 19 Members of the present Senate who voted against a local option proposal for race track gambling must have recognized that we cannot wipe out these evils if they are to be permitted in one community, yet denied in another. Bookie shops will do a more fruitful business than ever in that event. We will still have the same argument made against the enforcement of any of our gambling laws—that the AVERAGE man can't see why it is just and legal to gamble in one place, yet unlawful to do it in another.

There is no comparison between local option on liquor and local option on gambling. The Constitution expressly permits local option elections to determine whether liquor shall be sold in a given community. It does not permit local option on any other form of law violation. From a legal standpoint we had just as well propose local option on murder, robbery, theft, or any other form of penal offense.

I have purposely limited the call for this extraordinary session to the following:

"To outlaw and prohibit the so-called pari-mutuel betting or gaming on horse races, at race tracks, legalized by the Act of the Forty-third Legislature in 1933."

I recognize that there will be those who will say, "I am against dog racing." So am I! That there will be those who say, "I want a more

effective bookie statute." So do I. But if these subjects are submitted now, they may be used as a vehicle for obstruction; and I have no doubt they can be promptly passed almost as uncontested bills if you will but take this great forward step by first wiping out the race track gambling law.

I am proud of the fact that some of our sister Southern states have refused to succumb to the wiles of the race track crowd, which offers a mess of pottage for a birthright. I am proud of the fact that a courageous Governor of Colorado recently vetoed a bill similar to this one upon the very grounds urged for the repeal of our present law.

I honestly believe that every man who voted in 1909 for the law outlawing race track gambling in Texas placed a star in his crown. It remains to be seen whether this Legislature will, in the words of Governor Campbell, "be on its guard." I do not believe we will allow ourselves to be overcome by the organized forces of those "seeking special advantages and exclusive privileges" who have "their ready advocates on every hand."

The honor roll of Members of the Thirty-first Legislature set out at the beginning of this message shows that the leaders in the legislative battle of 1909 have gone far and high. Evidently they laid the ground work well when they allied themselves with the forces of righteousness and good morals. "Let us do our work as well." Certainly, some of the Members of this Legislature will record their names in State or National life, but all of us may write a splendid record in the satisfaction of their own hearts.

Members of the Forty-fifth Legislature, won't you join with me in restoring this "landmark of the Fathers?"

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

The President announced the business of the joint session had been concluded and requested the Senators to repair to the Senate Chamber.

In the Senate

The Senate was called to order at 1:25 o'clock p. m. by the President.

Recess

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Woodruff moved that the Senate recess to 3:00 o'clock p. m. today.

Question first recurring on the motion to adjourn, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—10

Brownlee	Shivers
Collie	Stone
Holbrook	Sulak
Pace	Van Zandt
Rawlings	Weinert

Nays—11

Aikin	Nelson
Burns	Oneal
Cotten	Redditt
Davis	Westerfeld
Isbell	Woodruff
Lemens	

Absent

Newton	Small
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Absent—Excused

Beck	Neal
Head	Roberts
Hill	Spears
Moore	Winfield

The motion to recess prevailed, and the Senate, accordingly, at 1:30 o'clock, p. m., took recess to 3:00 o'clock p. m. today.

Afternoon Session

The Senate met at 3:00 o'clock p. m., and was called to order by the President.

Adjournment

On motion of Senator Stone, the Senate, at 3:01 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

Record of Votes

Senators Aikin and Oneal asked to be recorded as voting "nay" on the motion to adjourn.